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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,331	03/19/2001	Mehmet Kemal Ozkan	RCA 89400	4673
24498	7590	07/01/2005	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/622,331	<b>Applicant(s)</b> OZKAN ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                               |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/04/04</u> . | 6) <input type="checkbox"/> Other: ____                                                |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention as a whole does not produce a "useful, concrete and tangible result" in which a digital medium containing digital data representing video information in which the digital data does not perform any process dictated by any software for producing any "useful, concrete and tangible result".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 6160545) in view of Program Guide for digital Television ATSC Standard (Doc. A/55).

Claim 1, Eyer discloses an apparatus (Fig. 1 and 2) for acquiring packetized program data from at least a first source, comprising:

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a processor (not shown) for acquiring program guide information (IPG data) and for acquiring ancillary information conveyed in hierarchically ordered data tables in said packetized program data, said ancillary information including an initial master program guide with "block\_version" is used to indicate change in programming has occurred during the valid lifetime of the current master program guide (Col.13, lines 35-42+) an a processor for determining change and change the program guide as needed.

Eyer does not clearly disclose ancillary information including

(a) a first version identifier conveyed in a primary data table and updated in response to a version change in at least one of a plurality of secondary tables hierarchically linked to said primary data table, and

(b) a second version identifier conveyed in a secondary data table and updated in response to at least one of, a version change in said secondary table and version change in a tertiary table hierarchically linked to said secondary table.

Program Guide for digital Television ATSC Standard, now called ATSC standard, discloses a first version identifier conveyed in a primary data table (version\_number of table 5.2, page 7) and a second version identifier conveyed in a secondary data table (version\_number of table 5.3, page 13) and version change in a tertiary table (version\_number of table 5.7) hierarchically linked to said secondary table. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer with ATSC standard so to take the

advantage of the standard for coordinating and combining program guides from plurality of broadcasters (see ATSC Standard page 1).

Claim 2, ATSC standard further discloses wherein said primary data table comprises a root database table for indicating version change in hierarchically ordered program guide data tables (see page 5).

Claim 3, ATSC standard further discloses wherein said secondary data table is used to indicate change in multimedia objects comprising objects associated with at least one of (a) broadcast channels, (b) broadcast programs, and (c) User interface controls (see Additional Guide Data Table, pages 12-17).

Claim 4, ATSC standard further discloses, wherein said primary data table is used to indicate change in at least one of (a) electronic program guide information tables and (b) MPEG compatible program specific information (version\_number page 8 and life\_time page 9 and MPEG page 10).

Claim 5, ATSC standard further discloses, wherein said ancillary information is a two level hierarchical arrangement containing only primary table (master guide table) and secondary tables (Additional GuideData Table) (see page 5).

Claim 6, as discussed in claim 1, Chaney(Fig. 8) in view of ATSC standard discloses Apparatus for adaptively decoding re-partitionable packetized program guide data comprising a processor for acquiring program guide data comprising hierarchically ordered data table partitions and including partitioning information (Col. 8, lines 23-Col. 9, lines 15), in which the partitioning information including, partition identifiers assigned to individual partitions of said program guide data, as disclosed by ATSC standard page 19; Channel grouping, see Fig. 5.6 and EIT-EIT Link, Fig. 5.7 page 24.

Claim 7, ATSC Standard (pages 4 and 9) further discloses wherein said partition identifiers identify program guide data partitions based on at least one of, (a) an area, (b) a broadcast time (Daylight\_savings), complexity level, and (d) a partition type.

Claim 8, method claim is analyzed with respect to apparatus claims 1 and 6.

Claim 9, method claim is analyzed with respect to apparatus claim 2.

Claim 10, method claim is analyzed with respect to apparatus claim 3.

Claim 11, method claim is analyzed with respect to apparatus claim 4.

Claim 12, method claim is analyzed with respect to apparatus claim 5.

Claim 13, method claim is analyzed with respect to claim 6.

Claim 14, method claim is analyzed with respect to claims 3 and 10.

Claim 15, ATSC further discloses wherein an object comprises at least one of a video segment, audio segment, text, an icon an HTML document, a menu selectable items, an image windows (see page 19).

Claim 16, method claim is analyzed with respect to claim 7.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
06/20/2005



**HAI TRAN  
PRIMARY EXAMINER**